

STATESBORO PLANNING COMMISSION
June 12, 2012
5:00 p.m.
City Hall Council Chambers

MEETING AGENDA

1. Call to Order.
2. Motion to Approve Order of the Meeting Agenda.
3. Approval of Minutes
 - a. May 8, 2012 meeting.
4. New Business
 - a. **APPLICATION # RZ 12-05-05:** Godbee Enterprises, Inc. requests a zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial) for property located at 612 South Zetterower Avenue (Tax Parcel Number S31000021004).
5. Adjourn

STATESBORO PLANNING COMMISSION

May 8, 2012

5:00 p.m.

City Hall Council Chambers

Minutes

Present: Planning Commission Members Ray Hendley, Rick Barr, Andrew Hansen, and Nick Propps. City of Statesboro staff: Director of Community Development Mandi Cody, City Manager Frank Parker, and Development Clerk Cindy Steinmann.

Absent: Commissioner Teresa Concannon and Brian Hulsey.

1. Approval of Meeting Agenda

Motion to approve given by Commissioner Hendley; seconded by Commissioner Barr. Motion carried 5-0. Agenda set.

2. Approval of Minutes

a. April 10, 2012 meeting.

Motion to approve given by Commissioner Barr; second by Commissioner Hansen. Motion carried 5 to 0. Minutes approved.

Commissioner Propps recognized Commissioner Hendley for receiving the Dean Day Smith recognition. Commissioner Hendley recognized Commissioner Propps for being chosen for the "Top 40 under 40".

3. Old Business

- a. **APPLICATION # RZ 12-01-01:** Akins Family Limited Liability Limited Partnership requests a zoning map amendment from LI (Light Industrial) to R4 (High Density Residential) for property located at 520 Park Avenue (Tax Parcel Numbers S42000030000 & S42000006000).

Community Development Director Mandi Cody presented the staff report and answered questions from the Commissioners. John Dotson of Maxwell Reddick & Associates represented the applicant and answered questions from the Commissioners. Mr. Dotson also mentioned that the applicants were present for any questions. Arthur Howard of Howard Lumber Company spoke in opposition to the request stating his concerns for incompatibility

with the nearby lumber company. He also stated that an agreement between Howard Lumber Company and the applicant had not been reached.

Commissioner Hendley motioned to recommend approval of Application RZ 12-01-01; seconded by Commissioner Barr. Motion carried 5-0.

- b. **APPLICATION # RZ 12-05-02:** Downtown Statesboro Development Authority requests a zoning map amendment from PUD/CR (Planned Unit Development with Commercial Retail overlay) to R4 (High Density Residential) for property located on South College Street (Tax Parcel Number S21000011001)

Commissioners Propps and Hendley recused themselves and stepped down due to conflict of interest but were available for questions (See **Appendix A** for Conflict of Interest Disclosure). Commissioner McCollar volunteered to serve as a temporary chair for this case. Community Development Director Mandi Cody presented the staff report and answered questions from the Commissioners. Allen Muldrew of Downtown Statesboro Development Authority answered questions from the Commissioners. Commissioner Propps also answered questions of the board in his capacity as a representative of the Downtown Statesboro Development Authority Board.

Motion to recommend approval of Application RZ 12-05-03 given by Commissioner Hansen; seconded by Commissioner Barr. Motion carried 3-0.

Note: Commissioner Hendley left the meeting. Commissioner Propps returned to the board and resumed chairing the meeting.

4. Announcements

Mandi Cody explained the difference between zoning related issues and building related issues and invited the Planning Commission to attend a Right Start meeting on any Thursday afternoon.

Commissioner Propps stated that he wanted to discuss the notice of the Planning Commission meetings that has been raised by a fellow Commissioner in emails to the Planning Commission members in the previous week. He stated that after a concern was raised, he checked with staff and felt confident that all measures were taken to follow procedures. He stated

that he did not see where in the Planning Commission's rules and regulations that Planning Commission holds the duty of confirming that staff's administrative matters were completed. He also confirmed that Planning Commission is not considered the official Public Hearing.

City Manager Frank Parker commented on the issue by stating that staff reports to him and that any issues, questions, or concerns should be addressed to him directly.

Commissioner McCollar stated his confidence in staff and offered a job well done.

Commissioner Propps requested that Ms. Cody describe the differences between Planning Commission and the Public Hearing. Ms. Cody stated that there are two statutes that staff must follow in reference to public meetings. The first is the Zoning Procedures Law which requires any zoning change to be advertised, signs posted on the property, etc. fifteen to forty five days before the public hearing takes place. A public hearing is defined as a hearing held by the decision making body and in this case is City Council. She also stated that staff actually includes variances in these notices to allow citizens the chance to give input on all cases, not just zoning changes.

The second statute that staff must abide by is the Open Meetings Act which applies to any public body. The Open Meetings Act requires that any meeting by a public body be open for public participation and requires that any public meeting be posted at least 24 hours before the meeting. Staff sends the Planning Commission meetings and Case Site Tours to the newspaper to be included in the Community Calendar section approximately a week before the actual meeting. As a rolling calendar, the meeting may not actually show up in the paper until a few days before the meeting occurs.

5. Adjourn

Chairman Nick Propps called the meeting adjourned.

These minutes were adopted by the City of Statesboro Planning Commission at its June 12, 2012 meeting.

Chair – Nick Propps

Secretary – Mandi Cody, Director of
Community Development

DRAFT



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

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**RZ 12-05-05
 ZONING MAP AMENDMENT
 612 SOUTH ZETTEROWER AVENUE**

LOCATION: 612 South Zetterower Avenue

REQUEST: Rezone from CR (Commercial Retail) with Conditional Use Variance to HOC (Highway Oriented Commercial)

APPLICANT: Godbee Enterprises, Inc.

OWNER(S): Godbee Enterprises, Inc.

LAND AREA: 2.33 acres

PARCEL TAX MAP #s: S31000021004

COUNCIL DISTRICT: 3 (Britt)



PROPOSAL:

The applicant is requesting rezoning of the approximately 2.33 acre subject property located at 612 South Zetterower Avenue from CR (Commercial Retail) District with Conditional Use Variance to HOC (Highway Oriented Commercial) District to allow for the sale of used vehicles to supplement the existing automotive repair shop. (See **Exhibit A – Location Map & Exhibit B – Sketch Plan**)

BACKGROUND:

The subject area of this request is a 2.33 acre single lot located at 612 South Zetterower Avenue and is currently zoned CR (Commercial Retail). The existing use of the property as an automotive repair shop is the result of Council's decision in 2000 to grant a Conditional Use Variance to allow for construction and operation of Express Tune & Lube in a CR (Commercial Retail) district.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail) & LI (Light Industrial)	Retail and manufacturing facility
SOUTH:	CR (Commercial Retail)	Carwash and Laundry Mat
EAST:	LI (Light Industrial)	Industrial Concrete Manufacturing
WEST:	HOC (Highway Oriented Commercial)	Recreational Park

The subject property is located in a mixed use area with the property's eastern property line surrounded by parcels zoned LI (Light Industrial) and utilized by Evans Concrete for manufacturing. The southern parcels are zoned CR (Commercial Retail) and operates as a carwash and laundry mat with College Plaza, a retail strip center, located further south. The northern parcels are also zoned CR (Commercial Retail) and are utilized as a retail strip center with a manufacturing facility to the extreme north zoned LI (Light Industrial), while Memorial Recreational Park lies across South Zetterower Avenue to the west of the subject property with a HOC (Highway Oriented Commercial) zoning district. (See **Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the "Urban Core" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Urban Core" character areas are identified as the activity and cultural hub of the region and support a wide range of acceptable uses. As a major gateway into downtown, traditional development patterns of buildings along the sidewalk and a lively streetscape are respected and promoted, while encouraging retail uses with large storefront windows at street level.

Neighborhood-scaled retail and commercial, arts and entertainment venues, civic centers, office, neighborhood services, lofts, mixed use, multi-story buildings with retail on the street and office/residential above are all appropriate land uses for properties within the Urban Core character area. Some suggested development and implementation strategies for the area include the following:

- Historic structures should be preserved or adaptively reused wherever possible.
- Encourage mixed-use infill and redevelopment.
- Economic development strategies should continue to nurture thriving commercial activity.
- Redevelop warehouses for major employer/tenant to build critical mass downtown.
- As downtown continues to grow, consider the construction of parking garages with retail uses on the street level.
- Create local historic districts.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

As illustrated in the *Comprehensive Plan*, mixed use in this area is favorable. Utilizing the subject site as an automotive repair shop with the sale of used vehicles increases this particular area's mixed character. Because this parcel contains an excessive number of parking spaces (52 parking spaces), much of the property is underutilized and remains as empty asphalt. This request would promote redevelopment of underutilized property as the proposed and existing use only requires approximately 16 parking spaces for the existing building for vehicle sales and/or repair.

TRANSPORTATION:

The subject property is primarily accessed from South Zetterower Avenue. The subject property contains a utility easement that is located on the northern section of the property onto Stillwell Avenue. South Zetterower Avenue is functionally classed by the Georgia Department of Transportation as an urban minor arterial street which links cities and larger towns to form an integrated network providing interstate and intercounty service and should be expected to provide for relatively high overall travel speeds, with minimum interference. *Bulloch County/City of Statesboro Long Range Transportation Plan*, page 67.

Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) states that the total average annual daily trips reached approximately 10,540 trips both ways for the year 2011. The *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* rated South Zetterower Avenue at this segment at a level of service (LOS) of E. Level of Service ratings are a "qualitative measure of traffic flow describing operating conditions" ranging from A (representing the best operating conditions) to F (representing the worst operating conditions). A rating of C or better indicates that "travel speeds are slightly lower than the posted speed with noticeable delay in intersection areas". A rating of D or worse is considered deficient. According to the LRTP, the LOS for this area is expected to improve to a rating of D in the next ten years.

The *Bulloch County/City of Statesboro Long Range Transportation Plan* expresses the need for pedestrian amenities along South Zetterower Avenue. This segment of South Zetterower Avenue is not currently served by sidewalks, curbs, or gutters.

No significant impact on traffic volume, safety, or capacity is expected as a result of this request due to the existing business of the same nature.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water, sewer, and public safety services and contains a utility easement located on the northern section of property. No significant impact is expected on community facilities as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands but is located in a flood zone; however, this request should not generate any additional issues. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 2.33 acre site is currently zoned CR (Commercial Retail) with a conditional use variance. A conditional use variance was granted by the Statesboro Mayor and City Council in 2000 to allow the current use of the property as an automotive repair shop. Conditional use variances allow for a use that is inconsistent with uses permitted of right within a zoning district. In this case, automotive repair shops, as well as the requested sale of used vehicles, are not uses permitted by right within the Commercial Retail zoning district. (Such uses are restricted to the HOC (Highway Oriented Commercial) zoning district). In addition, *Article XXIV* of the *Statesboro Zoning Ordinance* states that approval of a conditional use variance by the mayor and council does not constitute an approval for future expansions, additions or changes to the initially approved operation. Therefore, the proposed additional use for automobile sales necessitates additional approval by the Mayor and Council or rezoning of the property to HOC. The applicant has filed an application for a zoning map amendment and is requesting that the subject site be rezoned to HOC (Highway Oriented Commercial) to allow the site's requested use as automotive and allied sales and services - uses permitted by right within the HOC zoning district.

The request to rezone the 2.33 acre subject property from CR (Commercial Retail) district to HOC (Highway Oriented Commercial) district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CR (Commercial Retail) zoning district as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the *Statesboro Zoning Ordinance* provides eight (8) standards for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (1) Existing uses and zoning or (of) property nearby;
 - o Existing uses and zoning of nearby property range from parks and manufacturing facilities to commercial strip centers with a carwash and laundry mat located to the south of the subject property. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area.
 - o The proposed zoning map amendment request, if granted, could result in "spot zoning". Parcels adjacent to this site, and along this side of South Zetterower in the vicinity of the subject site, are zoned Commercial Retail. Spot zoning is primarily defined as zoning which is invalid because it is not in accordance with the comprehensive plan while singling out a small parcel of land for a use classification totally different from that of the surrounding area.
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- (5) The suitability of the subject property for the zoned purposes.
 - o The proposed land use does not meet the provisions of the *Statesboro Zoning Ordinance* nor the *Comprehensive Plan*.
 - o The property is already developed and utilized as an automotive service shop in a manner similar to the request.
 - o City Council's decision to grant a Conditional Use Variance in 2000 to allow for an automotive repair shop in a commercial area considered the compatibility of the requested use as an automobile repair shop with adjacent properties and the overall community and deemed such to be harmonious.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
 - o The property has been utilized by the applicant as an automotive repair shop since the grant of the conditional use variance by Mayor and City Council in the year 2000.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current existence, and is not expected to be negative or burdensome to the general public or surrounding property owners.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
- As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed HOC (Highway Oriented Commercial) zoning districts as set forth in the *Statesboro Zoning Ordinance*. The subject property is sufficient in size and shape for the sale of used vehicles and should meet the setback and other standards of the HOC (Highway Oriented Commercial) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
- The *Statesboro Comprehensive Plan* adopts a goal of “promot[ing] infill and redevelopment” stating that “infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place”. (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
- Use of the property as an automotive repair shop and/or car sales is not consistent with the vision and guiding principles of the urban core character area as articulated within the *Statesboro Comprehensive Plan* which promotes dense, urban, and vibrant downtown areas with neighborhood scale, pedestrian friendly developments.

Although the applicant has requested a zoning map amendment in its application, another consideration may be to approve an amendment to the applicant’s already granted conditional use variance that would allow for the additional proposed use of car sales on the subject site. Section 2406 of the *Statesboro Zoning Ordinance* lists seven (7) factors that should be considered by Mayor and City Council as for determinations of conditional use variances as follows:

1. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.
3. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.
4. Public facilities and utilities are capable of adequately serving the proposed use.
5. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.
6. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.
7. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, staff recommends that the requested zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial) be denied. That being said, a review of the seven (7) aforementioned factors stated in Section 2406 of the *Statesboro Zoning Ordinance* regarding conditional use variances suggest that these factors could be satisfied at this location. Therefore, staff suggests Council consider an amendment of the original conditional use variance to allow for the proposed additional use of the property and no public detriment is expected as a result of the use of the subject site in the requested manner. Furthermore, the additional approval support economic development policies that allow the highest and best use of property and encourage the retention and health of existing businesses in Statesboro.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP

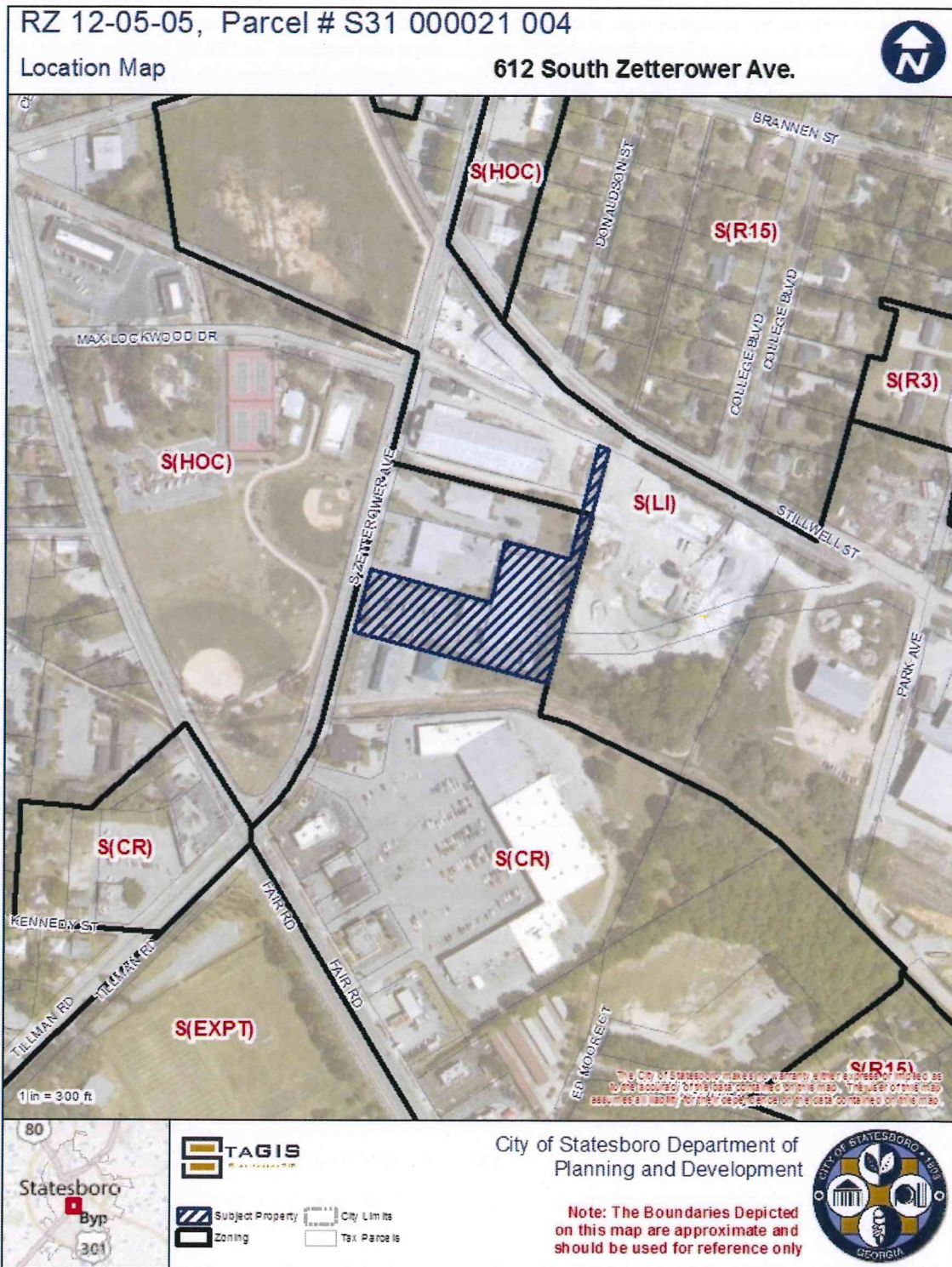


EXHIBIT B: EXISTING SKETCH PLAN

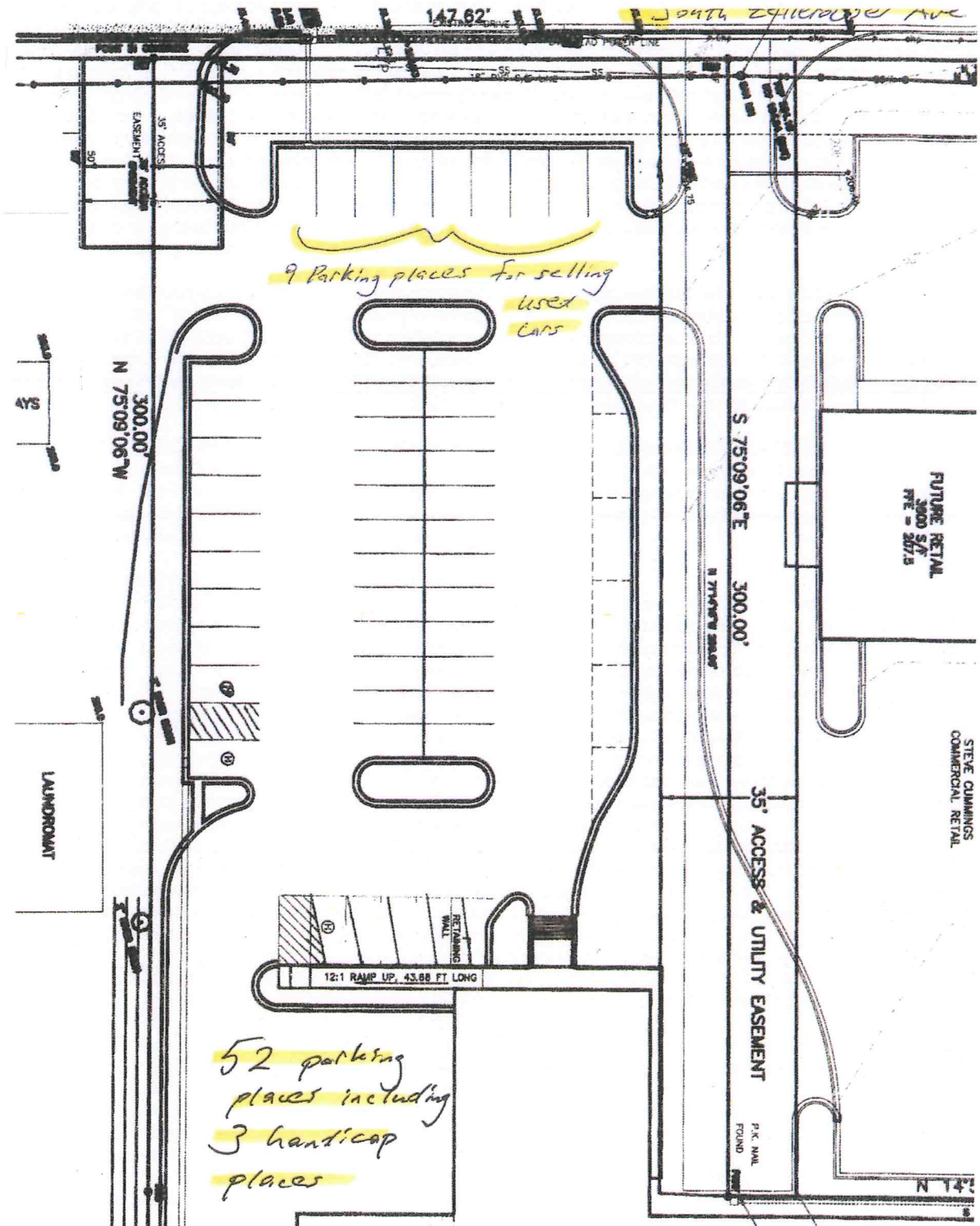


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from South Zetterower Avenue.



Figure 2: Memorial Recreation Park across South Zetterower to the west of the subject property.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 4: Retail strip center to the north of the subject property.



Figure 5: Carwash to the south of the subject property.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 6: Concrete manufacturing facility to the east of the subject property.